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EXAMINER

ALI, MOHAMMAD

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/388,261

Applicant(s)

NAGDA ET AL.

Examiner

Mohammad Ali

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 12-18 and 22-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are pending in this Office Action.

Response to Arguments

2. After further search and a thorough examination of the present application claims 1-7, 12-18 and 22-28 remains rejected.

Applicants' arguments with respect to claims 1-7, 12-18 and 22-28 have been considered, but they are not deemed to be persuasive.

First, Applicant's argue that Herz does not teach 'customer record having the combination of fields including a specified product, customer preference and selected output method to deliver generated output material on the product specified in the customer record'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Herz teaches this limitation as articles are available on-line from a wide variety of sources. One would use the current days news as supplied by a news source, such as the AP or Reuters news wire. These news articles are input to the electronic media system by being loaded into the mass storage system SS.sub.4 of an information server S.sub.4. The article profile module 201 of the system for customized electronic identification of desirable objects can reside on the information server S.sub.4 and operates pursuant to the steps, where, as each article is received at step 501 by the information server S.sub.4, the article profile module 201 at step 502 generates a target profile for the article and stores the target profile in an article indexing memory (typically part of mass storage system SS.sub.4 for later use in selectively delivering

articles to users. This method is equally useful for selecting which articles to read from electronic news groups and electronic bulletin boards, and can be used as part of a system for screening and organizing electronic mail ("e-mail") (see col. 56, lines 30-48, Fig. 5, Herz).

Second, Applicant's argue that Herz does not teach 'determining a selected one of a plurality delivery options from the customer record'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Herz teaches this limitation as the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics. The target objects are published articles, purchasable items, or even other people, and their properties are stored, and/or represented and/or denoted on the electronic media as (digital) data. The target objects are a newspaper story of potential interest, a movie to watch, an item to buy, e-mail to receive, or another person to correspond with. The information delivery process in the preferred embodiment is based on determining the similarity between a profile for the target object and the profiles of target objects for which the user (or a similar user) has provided positive feedback in the past (see col. 6, lines 1-18, Herz).

Third, Applicant's argue that Herz does not teach 'transmitting (Fig. 16, Herz) the output material via the determined delivery option to the customer specified in the customer record'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Herz teaches this limitation as stated above and the user requests access to a particular target object or menu of target objects; once the corresponding file has been transmitted to the user's client processor, the user views its contents and makes another such request, and so on. When proxy server S2 transmits an advertisement, it sends a message to the advertiser, indicating that the advertisement has been transmitted to a user with a particular predicted level of interest (see col. 37, lines 37-51 et seq., Herz).

Finally, in response to the several arguments by applicant's the Examiner responded those in the details office action.

Hence, Applicants' arguments do not distinguish over the claimed invention over the prior art of record.

In light of the foregoing arguments, the 102 rejections are hereby sustained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 -7,12-18 and 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. ('Herz' hereinafter), USP, 5,754,939.

Herz renders obvious independent claim 1 by the following:

generating customer a record in a first database table to include fields specifying at least one product, customer preferences (see col. 78, lines 38-48, Herz), and a selected output method to generated output material on the product specified in the customer record (,articles are available on-line from a wide variety of sources. One would use the current days news as supplied by a news source, such as the AP or Reuters news wire. These news articles are input to the electronic media system by being loaded into the mass storage system SS.sub.4 of an information server S.sub.4. The article profile module 201 of the system for customized electronic identification of desirable objects can reside on the information server S.sub.4 and operates pursuant to the steps, where, as each article is received at step 501 by the information server S.sub.4, the article profile module 201 at step 502 generates a target profile for the article and stores the target profile in an article indexing memory (typically part of mass storage system SS.sub.4 for later use in selectively delivering articles to users. This method is equally useful for selecting which articles to read from electronic news groups and electronic bulletin boards, and can be used as part of a system for screening and organizing electronic mail ("e-mail") (see col. 56, lines 30-48, Fig. 5 and see col. 78, lines 59-67, Herz);

receiving at least one customer record in the first database to process (see col. 37, lines 40-41, Herz);

accessing at least one content file (Fig. 10, Herz) by querying a second database table (Fig. 16, Herz) using values in one received customer record (see col. 37, lines 44-51, Herz);

generating the content of each accessed file into the output material (Fig. 16, Herz);

determining a selected one of a plurality delivery options from the customer record (the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics. The target objects are published articles, purchasable items, or even other people, and their properties are stored, and/or represented and/or denoted on the electronic media as (digital) data. The target objects are a newspaper story of potential interest, a movie to watch, an item to buy, e-mail to receive, or another person to correspond with. The information delivery process in the preferred embodiment is based on determining the similarity between a profile for the target object and the profiles of target objects for which the user (or a similar user) has provided positive feedback in the past, see col. 6, lines 10-17, Herz); and

transmitting (Fig. 16, Herz) the output material via the determined delivery option to the customer specified in the customer record (see col. 31, lines 6-17, Herz).

Claims 12 and 22 have same subject matter as of claim 1 and essentially rejected for the same reasons as discussed above.

As to claims 2, 13, and 23, wherein the records in the first database are generated by a human operator interacting with a customer to determine customer and preferences (see col. 37, lines 40-41, Herz).

As to claims 3, 14 and 24, wherein generating the customer records comprises executing a mining program against a database including customer information to determine information to populate at least one customer record from the customer (see col. 70, lines 64-67, Herz).

As to claims 4, 15 and 25, wherein the delivery options are members of the set consisting of: electronic mail (see col. 70, lines 20-24, Herz), facsimail (see col. 64, lines 30-31, Herz), and postal mail (see col. 73, lines 16-17, Herz).

As to claim 5, 16 and 26, automatically transforming the output material to a format compatible,..., wherein the transformed output is transmitted to the customer (see col. 73, lines 16-17, col. 7, lines 20-24, and col. 64, lines 30-31 Herz).

As to claims 6, 17 and 27, multiple customer records are processed, and wherein the output generated from the customer records differs for at least two customers used to transmit the output differs for at least two customers (see col. 73, lines 16-17, col. 7, lines 20-24, and col. 64, lines 30-31 Herz).

As to claim 7, 18, and 28, the output material is automatically transmitted using, after generating the output material,..., address (see col. 46, lines 17-20, Herz).

Conclusion

5. Herz et al. (USP, 6,571,279 and 6,029,195) also teaches applicant's claimed invention including delivery options.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Allowable Subject Matter


7. Claims 8-11, 19-21, 29-32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mohammad Ali
Primary Examiner
Art Unit 2166

MA
October 1, 2006